

In 1905, with Tom Stout, later a Montana Congressman, and now the veteran editor of the Billings Gazette, Kelly started the *Ferret* County Democrat. In 1924, the *Lewis and Clark* paper was sold, and Kelly purchased the Flathead Monitor in Kalispell.

For two decades, Harry Kelly championed a dam on the Flathead's South Fork. He advocated the multipurpose dam during years when few others gave serious thought to the project, and acquired the nickname "Hungry Horse" Kelly.

Even so Hungry Horse Dam is not a monument to any one single man. Having vital roles in seeing Hungry Horse construction start were such individuals as former Senator B. K. Wheeler, Senator James E. Murray, then Congressman Mike Mansfield, and Congressman Mike Kirwan of Ohio who saw that the project got money. There was the famed Flathead Citizens' Committee sparked by Don Treloar, Al Winkler, and Gray Edmiston, and what an effective organization it was.

The Montana State Press Association meeting last weekend recognized Harry J. Kelly as a longtime weekly publisher—54 years. He was also president of the press association in 1937, and died in 1950.

However, Harry J. Kelly's outstanding contribution to the newspaper field in Montana was his longtime championing of the Hungry Horse project, now an important part of Montana's economic base.

Ten years ago there was effort to name the lake behind Hungry Horse Dam, "Kelly Lake," in honor of the veteran publisher.

We think that such further recognition of "Hungry Horse" Kelly is merited.

Mr. CLARK. Mr. President, I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF COMMUNICATIONS ACT OF 1934—CONFERENCE REPORT

Mr. PASTORE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2424) to amend the Communications Act of 1934 in order to provide that the equal-time provisions with respect to candidates for public office shall not apply to news and other similar programs. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of September 2, 1959, p. 17776, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

Mr. KUCHEL. Mr. President, reserving the right to object, I ask my able colleague if consideration of the conference report may be temporarily postponed. One of the Members on the minority side has been notified that the majority wished to submit the report. I

believe the minority Member will be present shortly.

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

Mr. CLARK. Mr. President, I understand that the Senator from Virginia [Mr. ROBERTSON] has some morning business to transact.

The PRESIDING OFFICER. Does the Senator from Rhode Island withdraw his suggestion of the absence of a quorum?

Mr. PASTORE. Mr. President, I withdraw the suggestion of the absence of a quorum.

Mr. CLARK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I call up the conference report on Senate bill 2424, the so-called equal time bill in connection with the Communications Act.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. TALMADGE. Mr. President, will the Senator from Rhode Island yield to me?

Mr. PASTORE. I yield.

Mr. TALMADGE. I ask unanimous consent that during the consideration of the conference report, the time be limited to 30 minutes, to be equally divided between the majority leader and the minority leader.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object, let me inquire whether the morning hour has been concluded; or will there later be opportunity for additional matters to be submitted in the morning hour?

The PRESIDING OFFICER. The morning hour has been interrupted by this privileged matter.

Is there objection to the unanimous-consent request? The Chair hears none. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement which explains in detail the changes which were made in the conference. I, myself, shall make a general explanation of the report, and shall be ready for specific questions, during the course of the presentation.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Rhode Island?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT

Section 315 of the Communications Act of 1934 now provides that if any radio or tele-

vision licensee permits any person who is a legally qualified candidate for any public office to use a broadcasting station, such licensee must afford equal opportunities to all other candidates for that office in the use of such broadcasting station.

When S. 2424 passed the Senate it added a new sentence to section 315(a) of the Communications Act which provided that the appearance by a legally qualified candidate on any newscast, news interview, news documentary, on-the-spot coverage of news events, shall not be deemed to be the use of a broadcasting station within the meaning of this subsection.

During the consideration of the bill on the floor of the Senate the following language was added to the exemptions: ", but nothing in this sentence shall be construed as changing the basic intent of Congress with respect to the provisions of this Act, which recognizes that television and radio frequencies are in the public domain, that the licensee to operate in such frequencies requires operation in the public interest, and that in newscasts, news interviews, news documentaries, on-the-spot coverage of news events, all sides of public controversies shall be given as fair an opportunity to be heard as is practically possible."

In addition, the bill as it passed the Senate contained a section 2 declaring the intent of the Congress to examine the amendment at or before the end of a 3-year period immediately following the enactment of the proposed legislation. It also required the Federal Communications Commission to report to Congress annually during such 3-year period certain information which would aid the Congress in its reexamination of the effectiveness and practicability of the amendment being made to section 315.

The House in its action struck out all after the enacting clause of the Senate bill which merely amended section 315(a) by adding at the end thereof a new sentence, as follows:

"Appearance by a legally qualified candidate on any bona fide newscast (including news interviews) or on any on-the-spot coverage of news events (including but not limited to political conventions and activities incidental thereto), where the appearance of the candidate on such newscast, interview, or in connection with such coverage is incidental to the presentation of news, shall not be deemed to be use of broadcasting station within the meaning of this subsection."

In conference, S. 2424 was amended by adding to Section 315(a) a new sentence having the same general purpose, as the Senate bill when it passed the Senate. However, there are differences which represent compromises between the Senate and House positions on certain points.

Under the House bill an appearance would have been exempted from the equal time requirement only "where the appearance of the candidate on such newscast, interview, or in connection with such coverage is incidental to the presentation of the news."

The Senate bill did not contain language comparable to this and was therefore omitted from the conference substitute except as explained below.

The Senate bill exempted an appearance on a news interview while the House bill exempted such an appearance only when it was included as a part of a bona fide newscast.

In the conference substitute an appearance on a bona fide news interview is exempted without regard to whether it is included as part of a newscast.

It is the intention that in order to be considered bona fide a news interview must be a regularly scheduled program.

It is intended that in order for a news interview to be considered bona fide the content and format thereof, and the participants, must be determined by the licensee in the case of a news interview originating with the licensee of a station and by the network in the case of a news interview originating with a network; and the determination must have been made by the station or network, as the case may be, in the exercise of its bona fide news judgment and not for the political advantage of the candidate for public office.

The Senate bill exempted appearances of candidates on news documentaries. The House amendment made no such exemption. Under the conference substitute, the appearance of a candidate on a news documentary is exempted only if such appearance is incidental to the presentation of the subject or subjects covered by the news documentary. Thus, a program which deals predominantly with a candidate would not be a news documentary exempted under provisions of the substitute.

In the conference substitute, in referring to on-the-spot coverage of news events, the expression "bona fide news events" instead of "news events" is used to emphasize the intention to limit the exemptions from the equal time requirement to cases where the appearance of a candidate is not designed to serve the political advantage of that candidate.

The Senate bill, in the sentence being added to section 315(a), contained the following language:

"But nothing in this sentence shall be construed as changing the basic intent of Congress with respect to the provisions of this Act, which recognizes that television and radio frequencies are in the public domain, that the license to operate in such frequencies requires operation in the public interest, and that in newscasts, news interviews, news documentaries, on-the-spot coverage of news events, all sides of public controversies shall be given as fair an opportunity to be heard as is practically possible."

With certain modifications, this language has been included in the conference substitute as a sentence reading as follows:

"Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events from the obligation imposed upon them under this Act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance."

The conferees feel that there is nothing in this language which is inconsistent with the Senate's original language. It is a restatement of the basic policy of the "standard of fairness" which is imposed on broadcasters under the Communications Act of 1934.

SECTION 2

Section 2(a) of the Senate bill declared the intention of Congress to reexamine, on or before the expiration of a 3-year period, the amendment made by the bill to section 315(a) of the Communications Act of 1934, to ascertain whether the amendment had proved to be effective and practicable. Subsection (b) of section 2 required the Federal Communications Commission to report to Congress annually during such 3-year period on the administration of the amendment, together with recommendations. The House amendment contained no similar provisions.

Section 2 of the bill agreed to in conference is similar to these Senate provisions, except that the 3-year limitation has been removed.

Mr. PASTORE. Mr. President, I may say that the end product of the conference was the amendment which was agreed to in conference, which reads as follows:

Appearance by a legally qualified candidate on any—

- (1) bona fide newscast,
- (2) bona fide news interview,
- (3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary), or
- (4) on-the-spot coverage of bona fide events (including but not limited to political conventions and activities incidental thereto),

shall not be deemed to be use of a broadcasting station within the meaning of this subsection. Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them under this act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

Mr. JAVITS. Mr. President, will the Senator from Rhode Island yield for a question?

Mr. PASTORE. I yield.

Mr. JAVITS. Will the Senator define "news documentary"? I ask this question solely in order that the legislative record may be clear. What is the difference between a news documentary and a television panel show?

Mr. PASTORE. I shall be very glad to provide the answer to the Senator's question.

For instance, only the other day the President of the United States, while in Europe, signed a resolution which permitted the building of a memorial to a former President of the United States, Franklin Delano Roosevelt. Let us assume that at the time when the memorial is completed and is being dedicated—and the dedication ceremonies will constitute a news item of current value—in showing that ceremony or news event, or whatever it might be termed, there is presented a cutback respecting the life of Franklin Delano Roosevelt, leading up to the building of the memorial. In the process of broadcasting that background, it so happens that they show the distinguished senior Senator from Alabama, LISTER HILL, nominating President Franklin Delano Roosevelt for his third term.

At that time, Senator HILL, of Alabama, might have been a candidate for reelection; but his appearance was only incidental to the news documentary regarding the dedication of the memorial, which included the background of the life of Franklin Delano Roosevelt. That is what we mean by a news documentary and the incidental appearance of a candidate on such a program.

Mr. JAVITS. Let me cite a specific situation: When the Senate was debating the civil rights bill in 1957, in the course of the debate, four of us left the Senate Chamber, and went into the Old Supreme Court Chamber, and there broadcast a television show in which, in

effect, we repeated the arguments we had been making here on the floor of the Senate. That is what we lawyers call part of the res gestae. At that very moment, the Senate was actually engaged in debate, here on the floor, on the civil rights bill; and a few minutes earlier on that day, the four Senators who participated in that television show had been on the floor of the Senate, and had been participating in the actual debate on that bill. But momentarily we left the floor of the Senate, went to the Old Supreme Court Chamber, and did that television show.

Or individual Senators might leave a conference committee room, and might do a show on the front steps of the Capitol Building.

Would such things constitute news documentaries?

Mr. PASTORE. No; because they would come under the category of a newscast or a news interview of current news.

Mr. JAVITS. That is not what the Senator is thinking about when we exclude panel shows?

Mr. PASTORE. A panel show would be a very different thing. If a panel show had a current, bona fide news value, and was not being used for purposes of advancing the cause of the candidacy of any one particular candidate—

Mr. JAVITS. I understand.

Mr. PASTORE. And if it were on a regularly scheduled program, and if its content and format were exclusively within the jurisdiction or control of the broadcaster or the network, and were done for legitimate, bona fide news reasons, it would be exempted, and would not be a use which the candidate was making of that channel.

Mr. JAVITS. I thank the Senator from Rhode Island.

I may say, with deference, that I think this is one of the most important explanations of what is being done that can be made to actually guide the broadcasting companies; and I am very grateful for the explanation.

Mr. PASTORE. In other words, the end product of the conference emphasizes the fact that all of these programs must have a bona fide news value, and must not be used to advance the cause of any particular candidate.

The question is, What is the remedy? What is the remedy for a person who considers himself aggrieved? He files a complaint with the FCC and immediately the FCC will have the responsibility of determining whether the program involving the candidate was bona fide news or that it was such a use as to entitle the opponent to equal time.

Mr. JAVITS. I thank the Senator from Rhode Island.

Mr. ENGLE. Mr. President, will the Senator from Rhode Island yield to me?

The PRESIDING OFFICER (Mr. HART in the chair). Does the Senator from Rhode Island yield to the Senator from California?

Mr. PASTORE. I yield.

Mr. ENGLE. I thank the Senator from Rhode Island for yielding.

Will he point out in the language of the conference report the language of the law, as amended, or the language of the report itself, where it is clear that panel discussions have to meet the three or four specific conditions to which the Senator has referred?

Mr. PASTORE. Let me interrupt the Senator. I did not say "panel discussions." Panel discussions are not included. A panel discussion is not an exemption as to a use being made under section 315. I am merely talking about a news interview which may have some semblance to a discussion to and fro between individuals who are appearing. But, naturally, the discussion will have to fall within the purview of being a news interview or an on-the-spot news coverage of bona fide news value. There is nothing in the conference version about a panel discussion.

Mr. ENGLE. Let me ask a further question. We specifically struck panel discussions out of the act, as reported by our committee.

Mr. PASTORE. That is correct.

Mr. ENGLE. So neither the House version of the bill nor the Senate version of the bill had panel discussions in it.

Mr. PASTORE. That is correct.

Mr. ENGLE. But I understood that statements had been made by members of the House committee, and more particularly by the chairman of the House committee, that it was his belief or their belief—and there were several who expressed some opinions on it—that a panel discussion could be considered a news broadcast, and that, therefore, a panel discussion, such as "Face the Nation" or "Meet the Press"—

Mr. PASTORE. Or "Youth Wants to Know"—

Mr. ENGLE. Yes, "Youth Wants to Know" or "Capitol Cloakroom" or "College Press Conference," or any of the others that we know about, and with which we are familiar, might possibly qualify as a news interview, and therefore be permissible.

It seemed to me that, basically, the language of both the Senate version of the bill and the House version of the bill were the same; but the interpretation was different.

Mr. PASTORE. That is correct.

Mr. ENGLE. I assert that there should be some clarification, so the matter of interpretation, or legislative intent, as we call it, will be very clear in regard to what we are doing, in order that the FCC will not come up with some silly interpretation—the FCC is perfectly capable of it, as the Senator from Rhode Island well knows.

Mr. PASTORE. I understand specifically and precisely the point the Senator from California desires to make.

Let me say that we assumed, during the floor debate on the Senate version of the bill, that such shows as those which have been mentioned by the distinguished Senator from California would be included under "panel discus-

sions"; and at that time he submitted an amendment which, of course, deleted that from the bill.

It so happens that that kind of show had been interpreted by the House of Representatives group, and even in the debate on the House version of the bill, as falling within the category of a news interview. That brought about debate in the conference.

In order to bring about the guarantees to which the Senator from California refers so eloquently, we inserted certain language which makes that quite clear that we are requiring news interviews to be bona fide. The words "bona fide" were not included when the bill went to conference.

We have spelled out in the House report itself precisely what we mean by bona fide news interview. It is provided, specifically, first of all, that it shall be a regularly scheduled program. Secondly, the content and format must be exclusively under the jurisdiction of the broadcaster or of the network. Furthermore, we have said, in specific language, that that kind of program must not be done for the purpose of advancing the cause of any candidate as against another.

I do not see how the language can be written any more specifically than that. I realize there are areas where there might be chances of abuse, but I think the licensee or network would find it pretty difficult to get away with it.

Furthermore, we have written a second section in the bill, which was, again, the Senate version, to the effect that we intend to watch this matter very closely. We intend to supervise this matter very carefully, and we are asking the Commission to submit reports with regard to the administration of this amendment.

Mr. ENGLE. Mr. President, will the Senator yield further?

Mr. PASTORE. I yield.

Mr. ENGLE. Let me say to my distinguished friend that I am sure he has tried very hard to do a good job with reference to this proposed legislation. I know that he understands the problem. He and his associates on the conference did their very best to work it out. But I would be less than frank if I did not say that I have a deep sense of concern about this proposed legislation. My concern about this measure grows out of my political experience, which has been a very unhappy experience with reference to the kind of treatment that Democratic candidates get from the newspapers of this country.

Mr. PASTORE. I understand that completely.

Mr. ENGLE. And I would not want to see the broadcasting industry of this Nation, television and radio, ever to be in a position to give us the kind of "business" we get from the newspapers of the Nation. Getting on the air is a privilege, and we ought to insist that the treatment on our airways be fair. That is the last refuge some of us have so far as our electability is concerned. This bill goes to the jugular vein of Democrats who run for office.

My concern with the language of this proposed legislation is that it puts the exercise of discretion in the hands of the broadcasters. I do not like that. I would have preferred to see the bill written in such a way that conditions outside of the control of the broadcaster had a definite bearing as to who could be selected. For instance, if it is required that only newscasts can go on the air, and it has to be a newscast of current interest, then the fact of the freshness of the news itself is a controlling factor.

Mr. PASTORE. If the Senator—

Mr. ENGLE. Please let me proceed.

Mr. PASTORE. Very well.

Mr. ENGLE. Then it is not a matter of complete discretion. That was my concern with the provision for news documentary. We had the news documentary provision included in our bill. I was unhappy about that, but I was so glad to get the provision relating to panels out of the bill that I did not want to go any further with reference to news documentary.

The reason I was fearful about the provision for panels is that I know how they can be rigged up. I do not want a situation to exist in which panels can be rigged up.

I had no objection, incidentally, to the programs "Meet the Press" and "Face the Nation," which are nationwide affairs, because, in the very circumstances of the case, there are only a few men of national prominence who would appear on those programs from either side of the political fence. Those broadcasts could be carefully monitored. But what I was afraid of was the point the Senator from Florida [Mr. HOLLAND] mentioned when he discussed the matter, namely, panel discussions at the local level. That is where a panel discussion can be manipulated, because conditions outside of the conscience of the broadcaster itself can no longer be a controlling factor.

So although I am not going to oppose this conference report, Mr. President, I want to make it very plain that I have a deep concern about the freedom and the complete fairness of what I regard as the most important and vital political media in the world today, namely, television and radio. And I want to see them fairly handled.

I wish to serve notice on this Senate floor that I propose to watch the administration of this act with great care, because I regard it as a matter of vital importance to the political situation in America that we have complete fairness, equality of treatment, and objective handling of the news and political candidates during periods of election.

Mr. PASTORE. I thank the Senator.

Mr. ENGLE. I thank my distinguished friend from Rhode Island.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PASTORE. Mr. President, will the Senator from Pennsylvania yield me 5 minutes of his time?

Mr. SCOTT. I yield 5 minutes to the Senator.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. PASTORE. In just a minute. I merely want to answer the distinguished Senator from California, and assure him it would have done no violence to the sensitivities of the junior Senator from Rhode Island if provision for panel discussions or "Meet the Press" type of broadcasts had been deleted from the bill itself. The House was adamant in its position of what it interpreted as permissible under the interpretation of a bona fide news interview. We had some conferees on our side of the conference who felt likewise.

Realizing that there was a conflict, and that we could not agree unanimously on some of the matters, then it became the responsibility of the Senate conferees to yield, but to insist on inserting in the bill certain safeguards, in order to give us as near perfect protection as was possible under the circumstances. I admit it may not be perfect, but I also submit it comes as near to being perfect as we could accomplish under the circumstances.

I wanted to call this matter to the attention of the Senator from California, because, while the House conferees found some fault with the so-called Proxmire amendment, we insisted it be retained in the bill, if with some slight modifications, because it was the one condition we could write into the law to make sure the Federal Communications Commission would give the matter the right interpretation.

Let me read what the chairman of the House committee had to say, even after they resisted the Proxmire amendment, but finally came around, receded, and concurred in the amendment. He said:

Now, just in case anybody in the broadcasting industry or in the Federal Communications Commission, or even a candidate himself, should get the idea that "The reins are off; you can do what you want to," we have accepted in the conference substitute a provision similar to what was referred to as the Proxmire amendment in the other body. This provision says that nothing in the foregoing sentence shall be construed as relieving the broadcasters in connection with the presentation of news, news interviews, documentaries, and on-the-spot coverage of news events from the obligation imposed upon them under this act to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

We insisted that that provision remain in the bill, to be a continuing reminder and admonition to the Federal Communications Commission and to the broadcasters alike, that we were not abandoning the philosophy that gave birth to section 315, in giving the people the right to have a full and complete disclosure of conflicting views on news of interest to the people of the country.

I thought I should emphasize that.

Now I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I shall not oppose, but will support, the conference report; but I join the Senator from California in his concern about one feature of it, that apparently, under the term "bona fide news interview,"

it includes certain kinds of panel discussions.

I find what seems to me to be the clearest explanation of what was intended by the exemption of bona fide news interviews on page 17782 of the CONGRESSIONAL RECORD for yesterday, in a statement by the distinguished Representative from Arkansas [Mr. HARRIS], the chairman of the House legislative committee which deals with this subject, which reads as follows:

Under the substitute agreed to in conference, the appearance of a candidate on a newscast or news interview will not be exempt from the equal time requirement, unless the newscast or news interview is bona fide, and appearance of a candidate in on-the-spot coverage of news events is not to be exempt from the equal time requirement unless the program covers bona fide news events.

Mr. PASTORE. That is correct.

Mr. HOLLAND. May I ask the distinguished Senator from Rhode Island if he joins in that expression?

Mr. PASTORE. Absolutely. As I said before, the crux of the provision rests upon the interpretation of bona fide newscasts, news interviews, news documentaries or on-the-spot coverage of special news events. The words "bona fide" were deliberately put in to give specific guidance to the Federal Communications Commission, so that the moment a station deviated from what was a bona fide newscast in showing a candidate for public office, that would be a use which was not exempt. It is not exempt unless it is bona fide.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. PASTORE. I yield.

Mr. HOLLAND. It seems to the Senator from Florida that there are two important terms in the statement by Mr. HARRIS, which is now subscribed to by the distinguished Senator from Rhode Island. The first term is "bona fide" and the second is "news events."

In the opinion of the Senator from Florida the words "news events" would necessarily have reference to current events of news importance. Is that the opinion of the Senator from Rhode Island?

Mr. PASTORE. That is correct.

Mr. HOLLAND. In other words, if in the panel discussion it was the intent or the objective of the panelists, in the course which was followed, to go back into the prior record of the person appearing on the news panel, to bring out controversial facts about that record, then such a panel discussion would not come within the exemption; is that correct?

Mr. PASTORE. Let me put it this way: If the junior Senator from Rhode Island appeared on "Meet the Press," and, when asked questions, all he talked about was his previous record and how good a Senator he had been, I would say that would not be an exempt appearance under the law, if the Senator were a candidate at the time.

The PRESIDING OFFICER. The additional time of the Senator from Rhode Island has expired.

Mr. PASTORE. Mr. President, will the Senator from Pennsylvania yield me 5 minutes more?

Mr. SCOTT. Mr. President we have only 10 minutes remaining on our side. We will yield 3 minutes to the Senator.

Mr. PASTORE. Mr. President, I ask unanimous consent that there be an extension of the time limitation of 10 minutes, with 5 minutes to be granted to each side.

Mr. SCOTT. I join in that request, Mr. President.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Rhode Island? The Chair hears none, and it is so ordered.

Mr. PASTORE. I yield further to the Senator from Florida.

Mr. HOLLAND. Mr. President, I think the Senator from Rhode Island has gone far to clear up the point I have raised. There is one additional step about which I should like to question the Senator.

I am not so much concerned regarding the actions of the person who is being interviewed as I am concerned regarding the actions of certain stations and certain panelists, in their desire to turn the interview into a political effort, by themselves going into the question of the background of the person being interviewed, as to prior actions of his in the field of politics or in public life. Is it the opinion of the Senator from Rhode Island that, in the event the panelists resorted to those tactics, the panel discussion would then not be exempt from the equal-time provisions of the law?

Mr. PASTORE. All during the time in the conference the junior Senator from Rhode Island lived with a consciousness of the apprehension held on the part of the distinguished Senator from Florida and on the part of the distinguished Senator from California. I never forgot it for one minute. I knew exactly what the Senators had in mind as to some of the abuses, about which they talked to me privately and publicly, and during the course of the debate.

We have sought to put in the proper safeguards. It is not a riveted case completely, to the extent that there cannot be an abuse here and there, but the fact of the matter is that it would be necessary to go pretty far afield to get into any abuse which would do any damage or harm to a candidate, be he a Republican, a Democrat, or an independent.

Mr. HOLLAND. I thank my distinguished friend. I hope he will forgive me for being a bit specific about the question. In certain panel discussions, which I discussed with the distinguished Senator from Rhode Island, which took place in my own senatorial race last year, an emphasis was laid not upon the then presently-held attitudes of the candidate who happened to be interviewed, but instead upon actions which had transpired years before. It so happened that both the Senator from Florida and his distinguished opponent

had had long-time experience in public affairs.

Mr. PASTORE. That is correct.

Mr. HOLLAND. The Senator from Florida had no objection to that whatsoever, so long as equal opportunity was given to both candidates. In that event, there could be no objection.

The question I am now addressing to the Senator, who is my distinguished friend, is this: In the event such a panel discussion is held with one candidate before the panel, do I correctly understand that if an effort were made, either friendly or unfriendly—it would make no difference—to go back into former activities and former positions in the public life or political life of the person being interviewed, it is the opinion of the Senator from Rhode Island that that action would transcend the exemption and make the panel discussion come under the equal-time provision of the law?

Mr. PASTORE. I will say "yes," because that would get into the field of using the program for the promotion of or the advancement of the cause of a particular candidate.

I wish to say to all the Members of the Senate that section 315 was written in the law not to promote any one candidate nor for the benefit of one candidate as against another, or for candidates themselves generally, but was written into the law to give the public the advantage of a full, complete and exhaustive discussion, on a fair opportunity basis, to all legally qualified candidates but for the benefit of the public at large.

The minute one invokes a subterfuge, one is not operating in the public interest and is violating the spirit of section 315, which would exclude him from the exception we have made thereto.

The PRESIDING OFFICER. The additional time granted to the Senator from Rhode Island has expired.

Mr. HOLLAND. Mr. President, will the Senator from Pennsylvania yield for an additional statement?

Mr. SCOTT. Mr. President, I yield 2 additional minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 2 additional minutes.

Mr. HOLLAND. I think the distinguished Senator made it clear that in order to come under the exemption classification a panel discussion must not only be a regularly scheduled one in the format under the control of the station—and all the other provisions recited in the conference report and in the act must be met—but also it must relate to current news events. Provided it is so limited, the Senator from Florida sees no great objection to it.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. PASTORE. I yield to the Senator from Arizona.

Mr. GOLDWATER. The Senator, in the explanation of the report, I believe, referred to bona fide candidates.

Mr. PASTORE. No; I referred to bona fide news.

Mr. GOLDWATER. At the outset of his explanation I think the Senator referred to bona fide candidates.

Mr. PASTORE. If I did, I did not mean to. I do not think I did. I think I referred to bona fide news. I think I read it. It says:

It has to be a bona fide newscast; a bona fide news interview; a bona fide news documentary.

The only thing in the law in that regard is that one has to be a legally qualified candidate.

Mr. GOLDWATER. Let me ask the Senator a question on that point. A month or so ago one of our colleagues was denied time on the radio because equal time might be asked for by other candidates. This man is not a legally qualified candidate for the office to which reference was made.

Is there protection for people who might be considered to be candidates, but who are not legally qualified candidates?

Mr. PASTORE. It is not the case that there are protected people. I think the CBS made a strained interpretation of the law in that instance. What the motive was I do not know. I do not question the sincerity of the motive, but I say CBS was supercautious in considering that the Senator from Minnesota [Mr. HUMPHREY] was a candidate for any particular office. No announcement had been made. Therefore the Senator was not a legally qualified candidate under section 315. In my opinion CBS was probably gun shy because of the so-called Lar Daly decision.

The PRESIDING OFFICER. The time of the Senator has again expired.

Mr. PASTORE. Will the Senator yield me 1 additional minute?

Mr. SCOTT. I yield 1 additional minute to the Senator.

Mr. PASTORE. The network took superlative precautions to see that it was not in violation of the law. I think such a case only serves the purpose of pointing out, really, how ridiculous was the so-called Lar Daly decision. As a lawyer, I question whether the interpretation was legally correct.

Mr. GOLDWATER. I thank the Senator.

Mr. PASTORE. Mr. President, I yield the floor.

Mr. SCOTT. Mr. President, I support the conference report. I congratulate the distinguished Senator from Rhode Island for his presentation on the general subject of freedom of the press and the first amendment.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. SCOTT. On the general subject of freedom of the press and the first amendment, the freedom of newspapers, magazines, and other media of communication except radio and television has been pretty well established over the years. I am very much concerned that in this limited area of the airwaves if we in Congress attempt to restrict too closely the freedom of the press, which already is more limited in that area than in any other of the media generally un-

derstood to be areas of communication, in my judgment, the time will come when the Supreme Court will strike down whatever we have done in an attempt to bail out the Federal Communications Commission for some future unfortunate decision. Therefore I think we ought to be exceptionally careful to provide as much freedom of expression on radio and television as we possibly can.

If the decision were left to me alone, as I have said before and as I say again, I should repeal section 315 entirely, but that is a minority point of view, and it arises entirely from my respect for the right of the people to be absolutely free in the expression of their point of view, subject only to the protection of the criminal and the civil statutes against misuse and abuse of privileges.

On this measure I believe, as the Senator from Rhode Island said at one time during the conference, that we have come back with a bill which is better than either the Senate version or the House version. We have maintained very carefully the spirit of the Proxmire amendment, and I ought to point out what I do not think has yet been explained, that the phrase "To afford reasonable opportunity for the discussion of conflicting views on issues of public importance" does not refer merely to political discussions as such or to opposing views of political parties or of candidates. It is intended to encompass all legitimate areas of public importance which are controversial, and there are many, as we know, which pertain to medicine, to education, and to other areas than political discussion, and it is intended that no one point of view shall gain control over the airwaves to the exclusion of another legitimate point of view.

As to the comment with regard to bona fide news interviews, we were all of the opinion that we should make it perfectly clear, not only as contemplated in the Proxmire amendment, that the restriction of the obligation of fairness and of the protection of rights of all persons legitimately entitled to be heard remains in the law, but that "bona fide" as applied to each separate type of matter treated, be it newscasts, news interviews, news documentaries, or on-the-spot coverage, means that there shall not be any device or evasion to give an unfair advantage to any person.

As to panel shows, there was no objection to "Meet the Press." There was no objection to "Youth Wants To Know," or "College Press Conference," or "Face the Nation," or anything of that sort.

There was a legitimate fear that in some local areas there would be rigged news interviews for the benefit of one candidate or another.

It was not the feeling that panel shows should be ruled out, that panel shows should be denied the right to secure public figures who might incidentally be candidates for public office, but to make sure that in hearing such public figures it was not merely a device to advance their candidacy for office rather than to advance the exposition of different points of view as to news.

We looked up the definition of "news," Mr. President, and one of the definitions of "news" is, "of current interest." This is a very broad definition, and therefore there remains the necessity, in our opinion, for the protection of the public by retaining supervision over the operation of this new addition to the act. This is done I think very wisely in section 2, where Congress declares its intentions to reexamine these provisions of the act—that is, 315(a) and its amendment—and that in assisting Congress in its reexamination, the FCC shall make an annual report setting forth the information and data used by it in determining questions arising from it, connected with such amendment, and, second, such recommendations as it deems necessary in the public interest.

In other words, this amendment is designed to establish for future reference certain criteria as to equal time and a fair discussion of controversy. At all times the respective committees of the Senate and the House will not only retain supervision, because there is no time limit in this amendment, but will also retain or are entitled to insist upon the right to be kept informed. I believe that we are not in any sense dangerously or critically expanded the law. On the contrary, I think we have expanded the freedom of individuals and the freedom of this particular medium as contemplated in the first amendment to the Constitution.

I again say that the conferees were devoted, were very careful to consider all of the many aspects involved in this amendment, and I believe that they have come back with a conference report which deserves favorable consideration.

I shall be glad to yield a minute to my friend from New Jersey.

Mr. CASE of New Jersey. I thank my colleague from Pennsylvania for his courtesy.

Mr. President, I wish merely to second everything he has said and everything that is stated in the conference report.

This is a matter to which the conferees, as had the Senate committee, have given the most careful thought, a matter the difficulties of which the conferees and the members of the committee thoroughly recognized. We believe we have steered a proper course between excesses on the one side and on the other. If history or experience proves that we are wrong, the law can be changed, this plus the fact referred to already that the stations hold their licenses subject to reconsideration upon their expiration, and when applications for renewal are before the Commission.

Mr. SCOTT. I may say, if I may interrupt, that networks also own stations, and therefore we have an indirect control over them.

Mr. CASE of New Jersey. All these considerations compel us to think that such risks as may be involved are risks which should be taken.

I wish to compliment, if I may, the chairman of the subcommittee, the chairman of the conferees, for the extraordinary skill with which he guided the deliberations of the conference. He

had a bunch of wild horses on his hands, and he handled them with a very stern but understanding rein. The same is true of my colleagues in the conference on both sides. It was a pleasure to serve with them.

Mr. PASTORE. I should like to have that same bunch of wild horses on every conference I attend. I am deeply indebted to every one of them for the consideration and cooperation I received.

Mr. CASE of New Jersey. I thank the Senator.

Mr. SCOTT. I should like to say that all of us were filled with admiration at the way in which the chairman of the conference handled a situation which required a combination of tact and firmness and a background of considerable experience. We are most grateful to him. I should always be happy to serve on any conference of which he is the chairman.

If there are no other requests for time, I will yield back the remainder of my time.

The PRESIDING OFFICER. All time for debate has been yielded back. The question is on agreeing to the conference report.

The report was agreed to.

STATE TAXATION OF INCOME DERIVED FROM INTERSTATE COMMERCE—CONFERENCE RE- PORT

Mr. BYRD of Virginia. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2524) relating to the power of the States to impose net income taxes on income derived from interstate commerce and establishing a Commission on State Taxation of Interstate Commerce and Interstate and Intergovernmental Taxation Problems. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of September 2, 1959, p. 17770, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

Mr. KUCHEL. Mr. President, reserving the right to object—and I shall not object—

Mr. HOLLAND. Mr. President, I think the distinguished Senator misunderstands the situation. No request has been made. I was advised by the acting majority leader that an attempt was to be made at this time, with the knowledge and consent of the Senator from Virginia and the Senator from New Hampshire, to limit the time for discussion of the conference report.

Mr. KUCHEL. All I am doing is reserving the right to object to the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

Mr. KUCHEL. Mr. President, reserving the right to object—and I shall not object—there are Senators on both sides of the aisle who opposed this proposed legislation when it was first before the Senate, and who, I am sure, will oppose it now. I personally shall oppose it. I believe that adequate time should be allowed for the consideration and discussion of what apparently is a very important measure. The absence of a quorum should be suggested in order that Senators who desire to debate the report may have an opportunity to come into the Chamber. I have no objection to consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. BYRD of Virginia obtained the floor.

Mr. HOLLAND. Mr. President, will the Senator from Virginia yield to me?

Mr. BYRD of Virginia. I yield.

Mr. HOLLAND. Do I correctly understand that the conference report is now the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. HOLLAND. Am I to understand that the Senator from California feels that a quorum call should be made?

Mr. KUCHEL. I do.

Mr. HOLLAND. I ask the distinguished Senator from California whether he thinks it would be more appropriate to enter a unanimous consent order for the limitation of time before the quorum call, or after.

Mr. KUCHEL. I suggest that the request for a unanimous-consent agreement be made subsequent to the quorum call, when the ranking minority member of the Finance Committee, who is interested in the legislation, will be in the Chamber. There will be no trouble.

Mr. HOLLAND. Mr. President, if the Senator from Virginia will yield for that purpose, I should like to suggest the absence of a quorum.

Mr. BYRD of Virginia. I yield.

Mr. HOLLAND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I should like to take about 5 minutes for the transaction of morning business, but I do not wish to interrupt my distinguished colleague—

The PRESIDING OFFICER. The Senator from Virginia [Mr. BYRD] has the floor.

Mr. HOLLAND. Mr. President, will the Senator yield in order that I may propound a unanimous-consent request for the limitation of time?